

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JIMMY J. McAFEE, an individual; MONA	)	Case No.: 11-cv-00821-LHK
SUTHERLAND, an individual; JAYNA	)	
SUTHERLAND, an individual,	)	ORDER GRANTING DEFENDANT
	)	NEPTUNE'S ACCOUNT, LLC'S
Plaintiffs,	)	MOTION TO QUASH SERVICE OF
v.	)	SUMMONS AND COMPLAINT AND
	)	FOR DISMISSAL OF ACTION FOR
THOMAS FRANCIS, an individual; WENDELL	)	LACK OF PERSONAL JURISDICTION
SPELL, an individual; NORTH GEORGIA	)	
EQUIPMENT SALES LLC; CORNERSTONE	)	(re: dkt #37)
INTERNATIONAL INVESTMENTS LLC;	)	
NEPTUNE'S ACCOUNT LLC; and DOES 1-	)	
100,	)	
	)	
Defendants.	)	
	)	

Before the Court is Defendant Neptune's Account LLC's ("Neptune") motion to quash service of summons and Plaintiff's First Amended Complaint and to dismiss the action for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2) ("Motion to Dismiss"). *See* ECF No. 37. On February 16, 2012, Plaintiff filed a Statement of Non-Opposition to Neptune's Motion to Dismiss, requesting that the case against Neptune be dismissed. ECF No. 57. Accordingly, the March 1, 2012 hearing on Neptune's Motion to Dismiss is VACATED, pursuant to Civil Local Rule 7-1(d), and Neptune's Motion to Dismiss is GRANTED. In light of this Order, the parties' stipulation to continue the March 1, 2012 hearing on Neptune's Motion to Dismiss and

the March 1, 2012 case management conference is DENIED as moot. The March 1, 2012 case management conference remains as set for all parties that remain in the action.

**IT IS SO ORDERED.**

Dated: February 21, 2012

  
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LUCY H. KOH  
United States District Judge

United States District Court  
For the Northern District of California